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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

PERSONNEL DEPARTMENT

Order of Governor of Haryana

The 29th January, 2025

No. 40/65/2019-4S(1).— WHEREAS disciplinary proceedings for major penalty under rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules 2016 were initiated against Sh. Reagan Kumar, HCS, the then Sub Divisional Officer (Civil), Ferozpur Jhirka *vide* Memo No. 40/65/2019-4S(1), dated 25 February 2020 for the following charges:-

- "1. That, he *i.e.* Sh. Reagan Kumar took the work of the Lok Sabha Election in a negligent manner and reached late in the scrutiny meeting scheduled to be held on 13.05.2019 at 11.00 AM under the Chairmanship of General Observer. He *i.e.* Sh. Reagan Kumar not only reached late but also failed to bring all the relevant documents required for scrutiny which caused extreme problem in the scrutnization process and delayed the scrutnization work.
2. That, he *i.e.* Sh. Reagan Kumar remained absent from the Video Conference held in the office of the Deputy Commissioner, Nuh in connection with Election Work. Consequently, the election work got delayed.
3. That, he *i.e.* Sh Reagan Kumar had not submitted the Assured Minimum Facilities report of the Election Centers in time despite reminder sent by the Deputy Commissioner-cum-District Election Officer, Nuh *vide* letter No. Election 2019/5304/-06 dated 16.08.2019 due to which delay occurred in submission of said report.
4. That, he *i.e.* Sh, Reagan Kumar had requested the Deputy Commissioner, Nuh *vide* letter No. Election 2019/550 dated 5.9.2019 to shift the strong room, counting center and exchange of goods centre from the Yasin New Degree College, Nuh to the Nawab Samsuddin Park, Firozpur Jhirka upon which the Deputy Commissioner-cum-District Election Officer, Nuh *vide* letter No. Election 2019/5787 dated 6.9.2019 by referring point 2.1 of part B (Preparation of Counting Centre Hall) of Letter No. 470/INST/2014-EPS dated 30.04.2014, received from the Election Commission of India, directed him *i.e.* Sh. Reagan Kumar to carry out the physical inspection of counting center, strong room and one additional table for postal ballot papers of Firozpur Jhirka during the General Vidhan Sabha Election, 2019 and to submit its proposal alongwith map and booth level management plan in his office *i.e.* office of District Election Officer, Nuh on 06.09.2019. But he *i.e.* Shri Reagan Kumar in violations of orders of the Deputy Commissioner, Nuh issued *vide* letter No. Election 2019/552 dated 06.09.2019, again requested to set up the counting center etc in the Nawab Sarnsuddin Stadium. The Deputy Commissioner, Nuh *vide* letter No. Election 2019/5486 dated 10.09.2019, again directed him Shri Reagan Kumar to submit the proposal to set up the counting center etc. in the Yasin Mew Degree College. Thus, he *i.e.* Shri Reagan Kumar not only tried to create hurdle in the Election

Work but also violated the directions of the higher authorities as well as guidelines issued by the Election Commission of India,

- 5 That he *i.e.* Sh. Reagan Kumar requested, the Deputy Commissioner. Nuh telephonically on 19.08.2019 to grant him leave for that day which was declined in view of the anticipated law and order situation including communal issue that had arisen as a Hindu girl had eloped with Muslim boy and he *i.e.* Sh. Reagan Kumar was directed to stay in Ferozpur Jhirka town and to deal with the situation. But, when he *i.e.* Sh. Reagan Kumar was contacted by the Deputy Commissioner, Nuh, telephonically around 2.30 PM on the same day, the officer intimated that he *i.e.* Sh. Reagan Kumar was at Chandigarh. Thus, he *i.e.* Sh. Reagan Kumar remained unauthorizedly absent from duty on 19.08.2019 and violated the order of higher authority and he *i.e.* Sh. Reagan Kumar also failed to maintain law and order situation.
6. That, a meeting was called by the then Additional Chief Secretary to Government, Haryana and Financial Commissioner, Revenue and Disaster Management to discuss the issue relating with pending court cases, mutations and other related Revenue matters in Faridabad on 27.03.2019 where his presence *i.e.* Sh. Reagan Kumar, was required. But he *i.e.* Sh. Reagan Kumar remained absent unauthorizedly and consequently, the aforesaid important issues could not be discussed."

AND WHEREAS, Sh. Reagan Kumar, HCS submitted his reply to the charge sheet on 23 October, 2020

AND WHEREAS, State Government *vide* letter No. 40/6512019-4S(I) dated 30 March, 2021 requested to the Chief Electoral Officer, Haryana to get the ex post facto approval of the Election Commission of India for the charges No. 1 to 4 as contained in charge-sheet/memorandum for the dereliction in duty during Lok Sabha Election 2019.

AND WHEREAS, the Chief Electoral Officer, Haryana *vide* letter dated 07 June 2021 forwarded a copy of letter dated 24 May, 2021 of the Election Commission of India *vide* which the Commission has given its ex-post facto approval to the State Government's proposal request dated 30 March, 2021 in the matter of disciplinary action against Sh. Reagan Kumar, HCS, the then SDO (C). Ferozpur Jhirka and has also requested to apprise of the progress in the matter.

AND WHEREAS, after considering the reply of the charged officer, Sh. Anurag Rastogi, IAS was appointed as Inquiry Officer *vide* order dated 20 July, 2021 to conduct the departmental inquiry into the charges. The inquiry officer submitted his report *vide* Memo No. Secy./ACSET/2022/238 dated 13 January, 2022,

AND WHEREAS, after careful consideration of the findings of the Inquiry Officer, the Competent Authority was not in agreement with the findings of the Inquiry Officer in respect of charge No. 1 and 5, consequent upon which a note of disagreement was served upon the delinquent officer *vide* Memo No. 40/65/2019-4S(I), dated 02 November, 2022. In the 'Dissenting Note', the competent authority had specifically mentioned that the findings of the Inquiry Officer on charge No. 1 cannot be accepted as the delinquent officer not only reached late in the scrutiny meeting held on 13 May, 2019 at 11.00 AM under the Chairmanship of General Observer but also failed to bring all the relevant documents required for scrutiny which caused extreme problem in the scrutinization process and delayed the scrutinization work. The Inquiry Officer has only relied on version of the delinquent officer. Generally, in such circumstances, minor issues are not recorded. But 'Displeasure Note' was issued by the Deputy Commissioner, Nuh to the charged officer immediately to the charged officer and that remained unreplied which indicates admission of fault. Thus, the findings of the Inquiry Officer are clearly untenable. With regard to charge No. 5, it was observed that the Inquiry Officer has proved the charge to the extent that "Shri Reagan Kumar remained unauthorizedly absent from duty on 19 August, 2019 and violated the orders of his higher authority. However, with regard to the part of the charge that he failed to maintain the law & order, the Inquiry officer has reached the conclusion that no supporting evidence/document has been presented. This part of the charge, therefore, does not get proved". Nevertheless, the Inquiry Officer has himself mentioned in the concluding paragraph that "The fact that a Hindu girl eloped with a Muslim boy was a strong enough reason to anticipate communal trouble and law & order problem. Therefore it was required to make preparations to deal with it rather than leaving the Head Quarter." Thus, the findings of the inquiry Officer with regard to charge No. 5 are also untenable that no supporting evidence are there to prove that he failed to maintain the law & order.

Thus, it was specifically concluded by the competent authority that the Charge No. 1 stands fully proved and Charge No. 5 stands partially proved against the delinquent officer.

AND WHEREAS, Sh. Reagan Kumar, HCS has not submitted any representation qua the said disagreement note dated 02 November, 2022.

AND WHEREAS, the competent authority has decided to impose a penalty of removal from service upon Sh. Reagan Kumar, however before imposing a penalty of removal from service upon Sh. Reagan Kumar, HCS, an opportunity of personal hearing was granted to Sh. Reagan Kumar. Consequently, Sh. Reagan Kumar was heard in person on 31 March, 2023 by the competent authority.

AND WHEREAS, during personal hearing, Sh. Reagan Kumar has requested to submit his representation in support of his defence. But instead of submitting representation, he sent RTI applications through e.mail dated 07 April, 2023 with regard to another matter. Thus, he failed to submit any representation in his defence even after affording the second opportunity

AND WHEREAS, after duly considering the reply of the charged officer and all other relevant material/record/aspects, the Competent Authority has decided on 17 April, 2022 to award a punishment of "removal from service" upon Sh. Reagan Kumar, HCS.

AND WHEREAS, before imposing the said punishment upon Sh. Reagan Kumar, HCS, the matter was referred to the Haryana Public Service Commission, Panchkula on 20 April, 2023 in terms of Article 320 (3) of the Constitution of India for consultation of the Commission, The Commission *vide* its letter No. Dis.6/2023/6126 dated 25 August, 2023 was of the view that certain lapses as pointed out by the Inquiry Officer and the State Government are quite grave, however, the punishment proposed by State Government is not commensurate with the offence and is on a higher side.

AND WHEREAS after duly considering the reply of the charged officer and all other relevant material/record/aspects and agreeing with view of the Haryana Public Service Commission after due consultation of the Haryana Public Service Commission, Panchkula, the Competent Authority has decided on 13 September, 2023 to award a punishment of "compulsory retirement" from service upon Sh Reagan Kumar, HCS.

NOW, THEREFORE, the Governor of Haryana orders imposing of the punishment of compulsory retirement from service upon Sh. Reagan Kumar, HCS.

It is, therefore, ordered accordingly.

This issues with the approval of competent authority

(Sd.)...,
Under Secretary to Government, Haryana,
Personnel Department.